

C1 toppings, or dairy or cooked food products. The fruit particles may be fresh, frozen or cooked and may be of any size or shape compatible with the apparatus used. --

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In the Claims:

Please rewrite claims 1, 10 and 12 to read as follows, while cancelling the previous version of each of these claims.

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C2 ~~Pub  
DI 7~~ 1. (Amended) Apparatus for the measurement of fruit particles in a matrix comprising:

- a substantially opaque cabinet;
- a sample tray adapted to received a fruit matrix of fruit particles in a matrix selected from the group consisting of a sugar matrix, a starch matrix or a sugar and starch matrix, said fruit matrix is used in fruit fillings, toppings, dairy products or cooked food products;
- a camera in the upper portion of said cabinet for taking an image from the fruit matrix;
- a light source in said cabinet; and
- a computer with image analyzing software.--

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9/27/02 10. (Amended) Apparatus for the measurement of fruit particles in a matrix comprising:

a substantially opaque cabinet with a non-reflecting inside surface;

C3 a sample tray with a light-transmitting bottom, said sample tray adapted to receive a fruit matrix of fruit particles in a matrix selected from the group consisting of a sugar matrix, a starch matrix or a sugar and starch matrix, said fruit matrix is used in fruit fillings, toppings, dairy products or cooked food products;

a camera in the upper portion of said cabinet for taking an image from the fruit matrix;

a light box with light intensity adjusting switches;

an incident light source; and

a computer with image analyzing software.--

9/27/02 12. (Amended) A process for the measurement of fruit particles in a matrix comprising:

C4 placing a sample tray a fruit matrix of fruit particles in a matrix selected from the group consisting of a sugar matrix, a starch matrix or a

sugar and starch matrix, said fruit matrix is used in fruit fillings, toppings, dairy products or cooked food products;

CA illuminating said fruit particles and matrix so that an image may be obtained in which the fruit particles are distinguishable from the background;

capturing a computer-readable image of at least a portion of said illuminated fruit particles and matrix; and

using a computer and an image analyzing software program to analyze and image and obtain information concerning said fruit particles.--

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